

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, March 15, 2018, in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:10 P.M. by the Chair.

Present: Council Vice-President Michael W. Favicchio
Councilman Trent M. Colford, Sr.
Councilman Paul H. Archetto (left meeting at 9:10 p.m.)
Councilman Kenneth J. Hopkins, Vice-Chair
Councilman Christopher G. Paplauskas, Chair
Council President Michael J Farina

Also Present: Councilman Steven A. Stycos
Councilman John E. Lanni, Jr.
Councilman Paul J. McAuley
Carlos Lopez, Chief of Staff
Christopher Rawson, City Solicitor
Stephen Angell, Assistant City Solicitor
Maria Medeiros Wall, City Clerk
Rosalba Zanni, Assistant City Clerk/Clerk of Committees
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE/COMMUNICATIONS

OLD BUSINESS:

- 10-17-03** **Public hearing continued to April 12, 2018 meeting**
Ordinance amending the Comprehensive Plan of 2010 (Cumberland Farms – Intersection of Park and Warwick Ave.). Sponsored by Council President Farina, Council Vice-President Favicchio and Councilmen Colford and Paplauskas. Cont. 2/15/2018.

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to continue this Ordinance to the April 12th meeting, which will be held at Cranston High School East Auditorium. Motion passed unanimously.

- 10-17-04** **Public hearing continued to April 12, 2018 meeting**
Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – Warwick and Park Intersection). Sponsored by Council President Farina, Council Vice President Favicchio and Councilmen Colford and Paplauskas. Cont. 2/15/2018.

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to continue this Ordinance to the April 12th meeting, which will be held at Cranston High School East Auditorium. Motion passed unanimously.

- 1-18-02** **Public hearing continued to April 12, 2018 meeting**
Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone - 350 Park Avenue. Petition filed by Park East Realty, Inc. Cont. 2/15/2018.

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to continue this Ordinance to the April 12th meeting, which will be held at Cranston High School East Auditorium. Motion passed unanimously.

PUBLIC HEARINGS/NEW BUSINESS:

Anthony Liberatore, Director of Parks and Recreation, appeared to speak regarding proposed Ordinance 2-18-01 and stated that he thinks this is a great location for a dog park and the City is still waiting for the design plan, which should be done very soon.

Mike Giblin, 216 Woodland Ave., appeared to speak regarding proposed Ordinance 2-18-01 and stated that this area is directly behind his home. He has a serious safety issue with this location. It is in the middle of a neighborhood and in a wooded area. The proposed dog park is right behind Stone Hill School and the proposed dog park and the school would be sharing access. He also stated that he has safety concerns with the recess area being close by. He indicated that he has a child who will be attending the school next year and is concerned for his child’s and other children’s safety.

Mary Giblin, 216 Woodland Ave., appeared to speak regarding proposed Ordinance 2-18-01 and stated that one of the issues she has with this proposed dog park is the fence in her backyard is open. That will affect them and she is concerned the dogs will be running around in the neighborhood.

Chris Forest, 197 Stone Acre Dr., appeared to speak regarding proposed Ordinance 2-18-02 and stated that this is a neighborhood and a dog park does not belong there. He does not want additional traffic, which this would draw. He is concerned about the school being nearby and also concerned about safety. He also questioned the cleanup of the dog park in the future and who will be responsible for that.

Katie Forest, 197 Stone Acre Dr., appeared to speak regarding proposed Ordinance 2-18-01 and stated that she has the same concerns as the previous speakers.

Michael Milito, 197 Moorland Ave., appeared to speak regarding proposed "Resolution in support of the removal of the 'Sunset' provision regarding the residential mortgage foreclosure mediation" and gave background on how State Law came to be and why it should be continued.

Larry Minick, 37 Colony St., appeared to speak regarding proposed Ordinance 2-18-02 and stated that if this is approved, something should be done to block the opening from the school to the field.

Robert Murray, Esq., appeared to speak regarding proposed Ordinance 2-18-03 and stated that, as an attorney, he offered opinions on this Ordinance. He stated that he is concerned of unintended consequences. From a drafting standpoint, Section 2.40 addresses Municipal Court Judges. The Probate Court is in Section 4 of the Code. He indicated that, as well-intended this is, it needs some work.

Lisa Gibb, 45 Rhodes Ave., appeared to speak regarding proposed Ordinance 2-18-03 and stated that there is a Municipal Court Judge representing a Zone Change on Park Ave. (proposed Cumberland Farms), a Municipal Court Judge making contributions to certain Council members. This is Councilman Stycos intention of this Ordinance.

Jordan Freitas, 130 Park Ave., appeared to speak in favor of proposed Ordinance 2-18-03 and stated that this is not a kind of leadership we want from our City Council. It does not look good for Attorney Bolton to be representing Cumberland Farms.

Jim Sulanowski, 15 Hall Place, appeared to speak regarding proposed Ordinance 2-18-03 and stated that he agrees with Mr. Freitas and Ms. Gibb. He does not think this is an issue of free speech of any of the Judges. The people in favor of this Ordinance just don't want these Judges to come before this Committee representing a client. They can appear to speak as a resident. It is not an issue of free speech. The contribution issue is troubling also.

Tom Wojick, 11 Hall Place, appeared to speak regarding proposed Ordinance 2-18-03 and stated that the perception is there is a lack of trust in government. He thinks that this particular situation with Attorney/Judge Bolton is a conflict of interest and ethical issue. He thinks Judge Bolton should recuse himself from representing Cumberland Farms.

Jennifer Miller, 19 Broad St., appeared to speak regarding proposed Ordinance 2-18-03 and reiterated what previous speakers stated.

2-18-01 Ordinance authorizing the City to construct a Dog Park on Stony Arce Drive. (Stony Acres Dog Park). Sponsored by Council President Farina and Councilman Paplauskas.

On motion by Council Vice-President Favicchio, seconded by Council President Farina, it was voted to recommend approval of this Ordinance.

Under Discussion:

Council President Farina stated that the issue of a dog park has been discussed since 2012. With Director Liberatore's help, four sites were picked that would fit and the one that fit the best was this area.

Director Liberatore appeared to speak and stated that the landscape architect is in the process of coming up with design. There will be a 10' fence surrounding the entire park. As to more traffic in the neighborhood, there will be a 30-car parking lot. If this dog park did not go there, and the field was cleared out and a soccer field was placed there, the residents would see more than a 30-car parking lot. There should be summer hours and winter hours there. We may want to place solar lights there. This will be a smoke free dog park. He quoted Section 8.44.010 of the Code and would like to have this Ordinance amended to add "dog park" and "no cigarettes, e-cigarettes or vapes".

Solicitor Rawson stated that there is a main Ordinance in the Code that addresses recreational facilities. He recommended amending this Ordinance and referring to Section 8.44.010 and add the following language: "dog parks to be treated as a recreational facility as referenced in this Code, including, but not limited to e-cigarettes and vapes and smokeless tobacco".

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to amend this Ordinance as stated by Solicitor. Motion passed unanimously.

Discussion took place on amended Ordinance.

Councilman Lanni asked if the former Cullion property was looked at. Director Liberatore stated that that is wetland. DEM does not want any recreational facility at that property because it is all cement and asphalt.

Councilman Lanni asked if this proposed location for a dog park is going to be restricted to just Cranston residents. Director Liberatore stated that he has not thought about that, but we could try it. Councilman Lanni stated that he would like to be for just Cranston residents first because if we are going to allow Johnston or Providence residents or residents from other cities and towns, it could get very crowded and we would be inviting problems.

Councilman Lanni stated that he hopes there will be a neighborhood meeting about this soon since they are going to deal with this. Director Liberatore stated that he thinks the Council member from that Ward should set that up and he would attend.

Councilman Archetto stated that he does not believe that the school playground area is secure enough. He is concerned if a dog gets out of the dog park area, the safety of the children is a big concern of his. This is why he cannot support this Ordinance.

Councilman Stycos stated that this Ordinance needs a fiscal note before this is passed. He also stated that a 10' fence is overkill. He thinks an 8' fence would be cheaper and better looking.

Council President Farina asked Director Liberatore to submit financial analysis for the Council meeting. He also stated that he believes Director Liberatore has in the Capital Budget funds for dog parks.

Councilman Lanni asked for the following information:

- Solicitor check to see what we can and cannot do on the former Cullion property
- Report from DEM
- Original agreement with Cullion.

Director Lopez stated that the City has looked at the Cullion property for many different things and looked at the contract and have determined that even putting organic material on that property is not allowed. Even the existing structures that are there, we cannot touch it because of possible contamination.

Councilman Stycos asked if the Council could be provided with a copy of the agreement between the City and Cullion. Director Lopez stated that he would be happy to provide copies.

Councilman Lanni stated that he would like to see DEM's agreement also to determine exactly what the story is.

Chair stated that he has received a lot of calls from constituents of support for this Ordinance. He does not have concerns of safety and fencing. He would like to see designs of the park. He also has concerns of the 30-car parking lot. He asked when the plans would be done. Director Liberatore stated that he is hoping in 30 days and he suggested that the plans should be provided to the Council prior to a community meeting.

On motion by Council President Farina, seconded by Councilman Colford, it was voted to recommend approval of this Ordinance as amended and the financials be provided to the Council by the next Council meeting. Motion passed on a vote of 4-2. The following being recorded as voting "aye": Council Vice-President Favicchio, Councilmen Colford, Hopkins and Council President Farina -4. The following being recorded as voting "nay": Councilmen Archetto and Paplauskas -2.

2-18-03 Ordinance in amendment of Chapter 2.40.020 of Title 2 of the Code of the City of Cranston, 2005, entitled "Administration and Personnel" (Municipal Court) (Municipal and Probate Judicial Prohibitions). Sponsored by Councilman Stycos.

On motion by Councilman Archetto, seconded by Council President Farina, it was voted to recommend approval of this Ordinance.

Under Discussion:

Council President Farina stated that he does not have any problem with the section of the Ordinance not allowing Judges to appear before the City Council. He has serious concerns with other sections of this Ordinance dealing with political gatherings, etc.

Solicitor Rawson stated that ethically, it is no problem with a Judge to appear before the City Council without a direct financial gain.

Councilman Stycos stated that the language in this Ordinance is out of the Cannon of Judicial Ethics for Judges. This is important for separation of powers. The contributions is a perception problem. He urged passage as it is.

Council Vice-President Favicchio stated that he is really surprised that Councilman Stycos is bringing this up at this point in time. Over the years, there have been so many Democratic attorneys appointed Judges and coming before the City Council and the Council Committees and no one had any issue with it. All of a sudden, this is an issue. It was not an issue over the last 20 years. He thinks this is a personal attack.

Councilman Stycos stated that Council Vice-President Favicchio is correct. It has not come up in the past, but it is a problem and we need to address it. This is not only directed at Attorney Bolton, it is directed at all the Judges.

Council President Farina stated that the Park Ave. Zone Change came before the City Council a few years ago and was denied and Attorney Bolton was the attorney at the time also and no one mentioned any issues.

Solicitor Rawson stated that the Cannon of Ethics Law is for full-time General Assembly Judges. Our Municipal Court and Probate Judges are part-time and do not fall under the Cannon Law.

Councilman Archetto indicated that he agrees with lines #21-31 of the Ordinance, but lines #33-40 is a slippery slope. As drafted, he cannot support this Ordinance at this time. Section "E" is a violation of Constitutional Rights.

Councilman Hopkins stated that based on what the three attorneys have stated regarding this Ordinance, he cannot support this Ordinance.

Council President Farina stated that he votes on matters of the legislation and donations do not buy his vote.

Councilman Lanni stated that the only part of the Ordinance he agrees with is the ethics section. He honestly believes all the Council members are ethical. This Ordinance does have merit, but does need a little bit of work.

Council President Farina motioned to continue this Ordinance. No one seconded the motion.

Councilman Archetto motioned to separate the question and passage of Section "D" of the Ordinance. No one seconded the motion.

Councilman Archetto motioned to continue this Ordinance. No one seconded the motion.

Roll call was taken on motion to recommend approval of this Ordinance and motion failed on a vote of 6-2. The following being recorded as voting "aye": -0-. The Following being recorded as voting "nay": Council Vice-President Favicchio, Councilmen Colford, Archetto, Hopkins, Paplauskas and Council President Farina -6.

2-18-04 Ordinance authorizing the city to enter into a lease agreement with the MS Dream Center. Sponsored by Mayor Fung.

On motion by Council President Farina, seconded by Councilman Hopkins, it was voted to recommend approval of this Ordinance.

Under Discussion:

Director Liberatore stated that the lease is \$10,000 a year for ten years with a one-year option. Parks and Recreation will be moving into that building and the department will be maintaining the building.

Councilman Stycos asked why this is being done. Director Liberatore stated that the Dream Center are people with MS and they need a place to stay and they were under the YMCA and he has made this agreement with them to stay there and they will pay rent. They are there Tuesdays, Wednesdays and Thursdays from 9 a.m. to 2:30 p.m. and they use two offices and the dance room for physical therapy. They will not be there July and August. Councilman Stycos asked how many people are we talking about? Director Liberatore stated on a given day, approximately 25-30, upwards to 50.

Councilman Hopkins stated that this not just helps the MS Society, but it will offset the cost to rent the building.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

Resolution in support of the removal of the 'Sunset' provision regarding the residential mortgage foreclosure mediation. Sponsored by Councilman Stycos.

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to recommend approval of this Resolution. Motion passed unanimously.

Resolution encouraging the Rhode Island General Assembly to pass legislation requiring seat belts in school buses. Sponsored by Councilman Paplauskas; Co-sponsored by Council President Farina, Council Vice-President Favicchio, Councilmen Colford and Hopkins.

On motion by Council President Farina, seconded by Council Vice-President Favicchio, it was voted to recommend approval of this Resolution.

Under Discussion:

Chair handed gavel to Vice-Chair.

Chair stated that six other states have passed this type of law. He provided pictures of what the seatbelts would look like.

Councilman McAuley applauded Councilman Paplauskas for sponsoring this Resolution.

Councilman Lanni stated that he agrees with this Resolution.

Councilman Hopkins stated that this is the first step for our community in making school safe and applauded Councilman Paplauskas.

Roll call was taken on motion to recommend approval of this Resolution and motion passed unanimously.

The meeting adjourned at 9:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Rosalba Zanni".

Rosalba Zanni
Assistant City Clerk/Clerk of Committees



CITY OF CRANSTON

Ex. # 1 Sub: 3-15-18

Ordinance Comm.

By: Councilman Pappuskas

Re: School Bus Seat Belt Res.



CITY OF CRANSTON

Ex. # 2 Sub: 3/15/18

Ordinance Comm.

By: Conceitma Paplauskas

Re: School Bus Seat Belt Res.